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09/736,914	12/14/2000	Thomas S. Neary	92220/12408	8976

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EXAMINER	
ELAHEE, MD S	
ART UNIT	**PAPER NUMBER**
2645	6

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/736,914	Applicant(s) NEARY, THOMAS S.
	Examiner Md S Elahee	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments mailed on 11/06/03 have been fully considered but they are not persuasive.

2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-12, 14, 16, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollier et al. (U.S. Patent No. 6,304,634).

Regarding claims 1 and 11, Hollier teaches storing predetermined speech (i.e., prompt) data representative of predetermined conversational intent (i.e., content of correct utterances) to be provided by the measurement device (i.e., interactive audio system) in response to specific data inputs (abstract; col.2, lines 64-67, col.3, lines 1-9, col.8, lines 13-20).

Hollier further teaches sending a first response signal (i.e., data input) responsive to a first speech (i.e., prompt) signal received from the measurement device (i.e., interactive audio system) (abstract; fig.1; col.7, lines 60-67, col.8, 1-12).

Hollier further teaches receiving a second speech (i.e., prompt) signal responsive to the first response signal (i.e., data input) and including sequence of sounds (i.e., coded signals) representing conversational intent (i.e., content of an utterance label) (col.7, lines 60-67, col.8, 1-20).

Hollier further teaches comparing content of the received speech (i.e., utterance label, as represented by such coded signals included in the second prompt signal), against expected speech (i.e., content of an expected utterance label, as represented by the predetermined prompt data) (col.8, 13-20).

Regarding claims 2 and 12, Hollier teaches a call connection to the measurement device (i.e., interactive audio system), activating the testing mode (i.e., CFV mode by sending the CFV sequence code) (abstract; col.2, lines 64-67, col.3, lines 1-9).

Regarding claims 3 and 16, Hollier teaches that providing a record of discrepancies identified by comparing content in step (d) (col.9, lines 23-43).

Regarding claim 4, Hollier teaches sending a second response signal (i.e., data input) responsive to a second speech (i.e., prompt) signal received from the measurement device (i.e., interactive audio system) (col.7, lines 60-67, col.8, 1-20, col.10, lines 10-29).

Hollier further teaches receiving a third speech (i.e., prompt) signal responsive to the response signal (i.e., data signal) (col.10, lines 10-29).

Hollier further teaches comparing content of the received speech (i.e., utterance label represented by coded signals included in the third prompt signal), against the expected speech (i.e., predetermined prompt data) (col.8, 13-20, col.10, lines 10-29).

Regarding claim 6, Hollier further teaches that the measurement device (i.e., interactive audio system) is adapted to enable activation of the testing (i.e., CFV) mode by transmission of an testing mode activation command remotely to the measurement device (i.e., interactive audio system) (abstract; col.2, lines 64-67, col.3, lines 1-9).

Regarding claim 7, Hollier teaches that the measurement device (i.e., interactive audio system) is adapted to enable activation of the testing (i.e., CFV) mode on a per call basis (abstract; col.2, lines 64-67, col.3, lines 1-9, col.4, lines 11-20).

Regarding claim 8, Hollier teaches that the measurement device (i.e., interactive audio system) is responsive to sequence of sounds (i.e., CFV sequence code) to activate the testing (i.e., CFV) mode when the mode is currently deactivated (col.5, lines 31-50, col.8, 13-20, col.10, lines 10-29).

Regarding claim 9, Hollier further teaches the measurement device (i.e., interactive audio system) is an interactive voice response telephone system (abstract; fig.1; col.3, lines 66, 67).

Regarding claim 10, Hollier teaches that a call originating device (i.e., automated call generator) having access to the predetermined speech (i.e., prompt) data, to script data for calls placed to the measurement device (i.e., interactive audio system), and to stored received speech (i.e., prompt) signals (abstract; fig.1; col.2, lines 64-67, col.3, lines 1-9, col.7, lines 29-38).

Regarding claim 14 is rejected for the same reasons as discussed above with respect to claims 1 and 2. Furthermore, Hollier teaches providing a measurement device (i.e., interactive audio system) having a selectable testing (i.e., call-flow verification (CFV) mode in which conversational intent (i.e., content of an utterance) responsive to an incoming call is represented by coded signals included in speech (i.e., prompt) signals, the testing (i.e., CFV) mode selectable

by a testing (i.e., CFV) sequence code (abstract; col.2, lines 64-67, col.3, lines 1-9, col.8, lines 13-20, col.10, lines 10-29).

Regarding claim 21, Hollier teaches a model (i.e., encoding circuit) to provide coded signals representative of conversational intent (i.e., content of utterances) in coded format for inclusion in speech (i.e., prompt) signals (fig.1; col.5, lines 31-50, col.7, lines 29-44, 60-67, col.8, lines 1-20).

Hollier further teaches a network management center (i.e., activation circuit) to enable activation of the model (i.e., encoding circuit) so that speech (i.e., prompt) signals provided by the system include such coded signals (fig.1; col.5, lines 31-50, col.7, lines 29-59).

Regarding claim 22, Hollier teaches that a combination of an utterance and coded signals representative of content thereof; and coded signals representative of an utterance, without inclusion of such utterance (col.7, lines 29-59).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5, 13, 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollier et al. (U.S. Patent No. 6,304,634) and in view of Hank et al. (U.S. Patent No. 6,321,198).

Regarding claims 5, 13, 15 and 24, Hollier fails to teach "utterance label characters in ASCII format". Hank teaches caller speech converted in ASCII format (col.3, lines 40-44; 'caller

speech converted' reads on the claim 'utterance label characters'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollier to represent utterance label characters in ASCII format as taught by Hank. The motivation for the modification is to introduce ASCII characters so that it can be recognized and understood by other computers and by communication devices.

7. Claims 17-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollier et al. (U.S. Patent No. 6,304,634) and in view of Kirkpatrick (U.S. Patent No. 5,933,776).

Regarding claim 17, Hollier teaches that at least one pause (i.e., frame digit) indicating whether to include or exclude the speech (i.e., utterance) when providing an audio signal which includes the DTMF signals representing the content of such speech (col.8, lines 21-35, col.10, lines 66, 67, col.11, lines 1-20).

Hollier further teaches that at least one specific identity (i.e., extent digit) identifying the speech communicated by each device (i.e., number of characters of an utterance which are to be represented by the DTMF signals representing content of that utterance) (col.8, lines 21-35).

However, Hollier fails to teach "at least one identification digit indicating the CFV mode is to be activated". Kirkpatrick teaches at least one identification number (i.e., digit) indicating the CFV mode is to be activated (col.7, lines 7-17). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollier to allow at least one identification digit indicating the CFV mode is to be activated as taught by Kirkpatrick. The motivation for the modification is to doing so in order to capture and transmit the test results.

Regarding claims 18 and 23, Hollier teaches that the at least one specific identity (i.e., extent digit) identifies vocal level of speech (i.e., all of such characters of the utterance) (col.8, lines 21-35).

Regarding claim 19, Hollier fails to teach "at least one identification digit indicates both activation of an inactive CFV mode and deactivation of a previously activated CFV mode". Kirkpatrick teaches that the at least one identification number (i.e., digit) indicates both activation of an inactive testing (i.e., CFV) mode and inherently deactivation of a previously activated CFV mode (col.7, lines 7-17). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollier to allow at least one identification digit indicating both activation of an inactive CFV mode and deactivation of a previously activated CFV mode as taught by Kirkpatrick. The motivation for the modification is to doing so in order to capture and transmit the test results in testing mode.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollier et al. (U.S. Patent No. 6,304,634) and in view of Kirkpatrick (U.S. Patent No. 5,933,776) and further in view of Ortiz Perez et al. (U.S. Patent No. 5,933,776).

Regarding claim 20, Hollier in view of Kirkpatrick fails to teach "the code includes two identification digits to control activation of the CFV mode". Ortiz Perez teaches that the code includes inherently two identification digits to control activation of the CFV mode (col.17, lines 52-67, col.18, lines 1-6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollier in view of Kirkpatrick to allow the code including two identification digits to control activation of the CFV mode as taught by Ortiz

Perez. The motivation for the modification is to doing so in order to indicate that the test has been initiated.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E.
MD SHAFIUL ALAM ELAHEE
January 24, 2004

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